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Letter dated 24 April 2006 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

I have the honour to convey to you a copy of a letter I am sending today to the Secretary-General, reflecting the position of Algeria about the report of the Secretary-General dated 19 April 2006 on Western Sahara (S/2006/249) (see annex).

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(*Signed*) Youcef **Yousfi**
Ambassador
Permanent Representative

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Annex to the letter dated 24 April 2006 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

[Original: French]

On instructions from my Government, I have the honour to transmit to you the following comments on the report on the situation concerning Western Sahara (S/2006/249) of 19 April 2006, which the Secretary-General has just submitted to the Security Council:

1. It is important to remember that the question of Western Sahara is a decolonization question under resolution 1541 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples. This means that it comes under the direct responsibility of the United Nations, which must, in accordance with its Charter and the practice in this matter, see the decolonization process in this Territory to its conclusion. Any other approach, aimed at depriving this people of exercising this imprescriptible right, would be a serious violation of international law and contrary to the spirit and letter of the Charter of the United Nations and the relevant United Nations resolutions adopted since 1965, which have enshrined this right, duly confirmed by the International Court of Justice.

2. The United Nations Settlement Plan, negotiated and accepted by the two parties to the conflict, the Kingdom of Morocco and Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) in August 1988, and approved by the Security Council in its resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, as well as the Houston Accords negotiated directly between the two parties under the aegis of Mr. James Baker III, the Personal Envoy of the Secretary-General, and accepted and signed by them in September 1997 in Houston and, lastly, the Peace plan for self-determination of the people of Western Sahara, elaborated by Mr. James Baker III at the request of the Security Council and approved by the Council in its resolution 1495 (2003) of 31 July 2003, very clearly provide that the question of Western Sahara can be settled only through the expression of the sovereign will of the people of Western Sahara, who alone are capable of deciding their future through a free and fair referendum on self-determination conducted without constraints of any kind.

3. In this matter, while the United Nations initially showed integrity in seeking a lasting solution to this conflict, it later seemed to accommodate the occupying Power and its dilatory tactics and equivocation.

4. Now, on the pretext that one party has rejected the plans elaborated by the United Nations or negotiated by the parties to the conflict under its auspices and duly approved by the Security Council, the United Nations intends to withdraw from the settlement process when it bears triple responsibility — political, legal and moral — to see this decolonization question to a satisfactory conclusion.

Algeria cannot support or accept under any circumstances the shift in approach recommended by the Personal Envoy and endorsed by the Secretary-General.

5. In the same vein, Algeria deeply regrets that the United Nations, whose vocation and raison d'être are to defend law and justice, would sacrifice compliance with international law for realpolitik, suggesting that the latter has precedence over the former.

6. As a neighbouring State that attaches importance to compliance with international law and the stability of the region, Algeria has at all times supported a just and lasting settlement of the question of Western Sahara, in strict accordance with the relevant Security Council and General Assembly resolutions.

It believes that the only valid negotiations, which should be limited to the Kingdom of Morocco and Frente POLISARIO, which are the two parties to the conflict, are those which deal with the modalities for implementing the Peace plan for self-determination of the people of Western Sahara, approved by the Security Council in its resolution 1495 (2003).

In this connection, Algeria regrets that its position on the question, expressed in a letter from the President of the Republic addressed to the Secretary-General, was not reflected in the body of the report of the Secretary-General in keeping with standard practice.

7. Lastly, Algeria wishes to reaffirm its conviction that only the implementation of the Peace plan for self-determination of the people of Western Sahara, approved by the Security Council as an optimum political solution to this conflict — as it represents a delicate compromise between the positions of the two protagonists — can ensure a just and lasting settlement of the question of Western Sahara in strict accordance with the Charter of the United Nations and international law.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(*Signed*) Youcef **Yousfi**
Ambassador
Permanent Representative